

212306



W. Tayloe Murphy, Jr.  
Secretary of Natural  
Resources

Joseph H. Maroon  
Director

**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF CONSERVATION AND RECREATION**

203 Governor Street, Suite 302  
Richmond, Virginia 23219-2010  
Phone: (804) 786-6124 Fax: (804) 786-6141

**ENTERED**  
**Office of Proceedings**

**OCT 22 2004**

October 22, 2004



**Part of**  
**Public Record**

Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K St., NW, Room 711  
Washington, DC 20423

Re: Docket Number AB-290 (Sub-No. 252 X) Norfolk Southern Railway  
Company-Proposed Abandonment of the segment of rail between Milepost  
N-134.1 and Milepost N-167.9, a distance of 33.8 miles between Burkeville  
and Pamplin City, located in Appomattox, Prince Edward, Cumberland, and  
Nottoway Counties, Virginia.

Dear Secretary Williams:

This comment should be treated as a petition for reconsideration in the above captioned proceeding. This comment is filed on behalf of the Department of Conservation and Recreation, which is a government agency of the Commonwealth of Virginia, interested in conservation and recreation and which is hereinafter referred to as 'Commenter'.

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Burkeville and Pamplin City.

**A. Public Use Condition**

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor in question includes the High Bridge Battlefield, a significant Civil War battlefield important to telling the story of Lee's retreat from Petersburg. The corridor also connects several towns and neighborhoods together with state parks and forests, the Appomattox River, Longwood University, and provides opportunities for viewing picturesque scenery of Virginia's piedmont. The corridor will

*State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning  
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation*

make an excellent recreational trail and a commuter route for persons traveling to work or school in Farmville.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to complete a master plan for the trail and review title information, conduct a survey, and complete an engineering study of bridges, trestles, and drainage structures.

Commenter requests an order barring removal of bridges, trestles, and culverts. The justification for this request is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of abandonment authorization for the same reason as indicated above.

#### B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, Commenter also makes the following request:

#### **STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. § 1247 (d), and 49 C.F.R. §1152.29, Department of Conservation and Recreation is willing to assume full responsibility for management of and for any legal liability arising out of the transfer or use of the transferred right-of-way to the full extent permitted by the Virginia Tort Claims Act.

The property, known as the Norfolk and Southern Railway, extends from milepost N-134.1 at Burkeville to milepost N-167.9 at Pamplin City, a distance of 33.8 miles, and is located in the counties of Appomattox, Prince Edward, Cumberland and Nottoway, Virginia. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 252 X).

A map depicting the right-of-way and letters of support from local governments are attached.

The Department of Conservation and Recreation acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

COUNTY of  
CUMBERLAND  
VIRGINIA  
FOUNDED • 1749

P.O. Box 10  
Cumberland, Virginia 23040  
(804) 492-3625 Phone  
(804) 492-9224 Fax

County Administrator  
Judy O. Hollifield

Assistant Administrator  
Sherry Swinson

County Attorney  
Darvin E. Satterwhite

Board of Supervisors

William F. "Bill" Osl, Jr.  
District 1

Clifton C. "Cliff" White  
District 2

Van H. Petty  
District 3

Elbert R. Womack  
District 4

Jeremiah D. Heaton  
District 5

A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF CUMBERLAND, VIRGINIA

TRANSPORTATION ENHANCEMENT GRANT  
HIGH BRIDGE RAILS-TO-TRAILS

**WHEREAS**, in accordance with Commonwealth Transportation Board procedures, resolutions of support from local governments may supplement Transportation Enhancement Grant applications; and

**WHEREAS**, Norfolk Southern Corporation is proposing the abandonment of 35.66 miles of railroad from Burkeville, Virginia to Pamplin City, Virginia, partially located in the Counties of Appomattox, Cumberland, Nottoway and Prince Edward; and

**WHEREAS**, the long-term objectives of the Board of Supervisors of the County of Cumberland are the protection of the rail corridor through the development of a rails-to-trails project, the transformation of the abandoned rail corridor into an outdoor recreational and heritage tourism opportunity, and the protection of High Bridge, a nationally and historically significant railroad bridge structure; and

**WHEREAS**, *High Bridge Rails-to-Trails*, creates new economic and outdoor recreation opportunities for citizens of the Counties of Prince Edward, Cumberland, Appomattox and Nottoway and the Towns of Farmville, Burkeville, Pamplin and the villages of Rice and Prospect; and

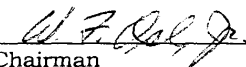
**WHEREAS**, the Virginia Department of Conservation and Recreation has applied for Transportation Enhancement funding for the development of a master plan, community communications plan, environmental survey, and engineering study on bridge structures and other trail improvements;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Cumberland, Virginia, supports the Transportation Enhancement Grant application of the Virginia Department of Conservation and Recreation; and

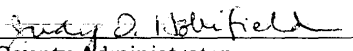
**BE IT FURTHER RESOLVED** that the County of Cumberland hereby understands that the Virginia Department of Conservation and Recreation will serve as fiscal agent for this project.

Certification

*I hereby certify that the foregoing resolution was duly considered by the Board of Supervisors of the County of Cumberland, Virginia at a regular board meeting in Cumberland County, Virginia, at which a quorum was present and that same was passed by a vote of 4 in favor and 0 opposed, this tenth day of February, 2004.*

  
Chairman

ATTEST:

  
County Administrator

"Cumberland County is an equal opportunity employer and service provider. Complaints of discrimination may be sent to the U.S. Secretary of Agriculture, Washington DC 20250. TTY phone # 804/492-5889."

AT THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE COURTHOUSE THEREOF, ON THURSDAY, THE 19<sup>th</sup> DAY OF FEBRUARY IN THE YEAR OF OUR LORD TWO THOUSAND FOUR AND IN THE 229<sup>th</sup> YEAR OF THE COMMONWEALTH:

PRESENT: CLARENCE A. SIMPSON, CHAIRMAN  
R. RAY TAYLOR, VICE-CHAIRMAN  
SIDNEY E. LOCKE  
JACK J. GREEN  
SHERMAN C. VAUGHN  
RONALD E. ROARK, COUNTY ADMINISTRATOR

#### RESOLUTION

**WHEREAS**, in accordance with Commonwealth Transportation Board procedures, resolutions of support from local governments may supplement Transportation Enhancement Grant applications; and

**WHEREAS**, Norfolk Southern Corporation is proposing the abandonment of 35.66 miles of railroad from Burkeville, Virginia to Pamplin City, Virginia, partially located in the Counties of Appomattox, Cumberland, Nottoway and Prince Edward; and

**WHEREAS**, the long-term objectives of the Board of Supervisors of the County of Nottoway are the protection of the rail corridor through the development of a rails to trails project, the transformation of the abandoned rail corridor into an outdoor recreational and heritage tourism opportunity, and the protection of High Bridge, a nationally and historically significant railroad bridge structure; and

**WHEREAS**, *High Bridge Rails-to-Trails*, creates new economic and outdoor recreation opportunities for citizens of the Counties of Nottoway, Cumberland, Appomattox and Prince Edward and the Towns of Burkeville, Pamplin and Farmville, and the villages of Rice and Prospect; and

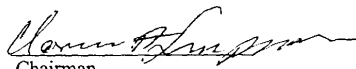
**WHEREAS**, the Virginia Department of Conservation and Recreation has applied for Transportation Enhancement funding for the development of a master plan, community communications plan, environmental survey, and engineering study on bridge structure and other trail improvements;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Nottoway, Virginia, supports the Transportation Enhancement Grant application of the Virginia Department of Conservation and Recreation; and

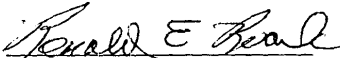
**BE IT FURTHER RESOLVED**, that the County of Nottoway hereby understands that the Virginia Department of Conservation and Recreation will serve as fiscal agent for this project.

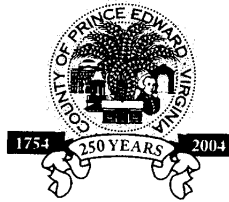
#### Certification

*I hereby certify that the foregoing resolution was duly considered by the Board of Supervisors of the County of Nottoway, Virginia at a regular board meeting in Nottoway County, Virginia, at which a quorum was present and that same was passed by a vote of 5 in favor and 0 opposed, this 19 day of February, 2004.*

  
Chairman

ATTEST:

  
County Administrator



COUNTY OF PRINCE EDWARD, VIRGINIA  
WWW.CO.PRINCE-EDWARD.VA.US

POST OFFICE BOX 382, FARMVILLE, VA 23901  
(434) 392-6837 VOICE • (434) 392-6683 FAX  
INFO@CO.PRINCE-EDWARD.VA.US

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF PRINCE EDWARD, VIRGINIA**

**TRANSPORTATION ENHANCEMENT GRANT  
HIGH BRIDGE RAILS-TO-TRAILS**

**WHEREAS**, in accordance with Commonwealth Transportation Board procedures, resolutions of support from local governments may supplement Transportation Enhancement Grant applications; and

**WHEREAS**, Norfolk Southern Corporation is proposing the abandonment of 35.66 miles of railroad from Burkeville, Virginia to Pamplin City, Virginia, partially located in the Counties of Appomattox, Cumberland, Nottoway and Prince Edward; and

**WHEREAS**, the long-term objectives of the Board of Supervisors of the County of Prince Edward are the protection of the rail corridor through the development of a rails-to-trails project, the transformation of the abandoned rail corridor into an outdoor recreational and heritage tourism opportunity, and the protection of High Bridge, a nationally and historically significant railroad bridge structure; and

**WHEREAS**, *High Bridge Rails-to-Trails*, creates new economic and outdoor recreation opportunities for citizens of the Counties of Prince Edward, Cumberland, Appomattox and Nottoway and the Towns of Farmville, Burkeville, Pamplin and the villages of Rice and Prospect; and

**WHEREAS**, the Virginia Department of Conservation and Recreation has applied for Transportation Enhancement funding for the development of a master plan, community communications plan, environmental survey, and engineering study on bridge structures and other trail improvements;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Prince Edward, Virginia, supports the Transportation Enhancement Grant application of the Virginia Department of Conservation and Recreation; and

**BE IT FURTHER RESOLVED**, that the County of Prince Edward hereby understands that the Virginia Department of Conservation and Recreation will serve as fiscal agent for this project.

Certification

*I hereby certify that the foregoing resolution was duly considered by the Board of Supervisors of the County of Prince Edward, Virginia at a regular board meeting in Prince Edward County, Virginia, at which a quorum was present and that same was passed by a vote of 8 in favor and 0 opposed, this 10<sup>th</sup> day of February, 2004.*

William G. Fore, Jr., Chairman

ATTEST:

Mildred B. Hampton, County Administrator

SUPERVISORS

APPOMATTOX RIVER DISTRICT  
WILLIAM H. CRAFT

COURTHOUSE DISTRICT  
SAMUEL E. CARTER

FALLING RIVER DISTRICT  
THOMAS H. CONRAD

PINEY MOUNTAIN DISTRICT  
RUSSELL H. MOORE

WRECK ISLAND DISTRICT  
SHAWN A. ARMBRUST

APPOMATTOX COUNTY



COUNTY ADMINISTRATION OFFICE

(434) 352-2631

FAX: (434) 352-4214

E-MAIL: appomattoxco@mindspring.com

BOARD OF SUPERVISORS

P. O. Box 863  
Appomattox, Virginia 24522

A Resolution of the Board of Supervisors of  
The County of Appomattox, Virginia

Transportation Enhancement Grant  
HIGH BRIDGE RAILS-TO-TRAILS

WHEREAS, in accordance with Commonwealth Transportation Board procedures, resolutions of support from local governments may supplement Transportation Enhancement Grant applications; and

WHEREAS, Norfolk Southern Corporation is proposing the abandonment of 35.66 miles of railroad from Burkeville, Virginia to Pamplin City, Virginia, partially located in the Counties of Appomattox, Cumberland, Nottoway and Prince Edward; and

WHEREAS, the long-term objectives of the Board of Supervisors of the County of Appomattox are the protection of the rail corridor through the development of a rails-to trails project, the transformation of the abandoned rail corridor into an outdoor recreational and heritage tourism opportunity, and the protection of High Bridge, a nationally and historically significant railroad bridge structure; and

WHEREAS, *High Bridge Rails-to-Trails*, creates new economic and outdoor recreation opportunities for citizens of the Counties of Prince Edward, Cumberland, Appomattox and Nottoway and the Town of Farmville, Burkeville, Pamplin and the villages of Rice and Prospect; and

WHEREAS, the Virginia Department of Conservation and Recreation has applied for Transportation Enhancement funding for the development of a master plan, community communications plan, environmental survey, and engineering study on bridge structures and other trail improvements;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Appomattox, Virginia, supports the Transportation Enhancement Grant application of the Virginia Department of Conservation and Recreation; and

BE IT FURTHER RESOLVED, that the County of Appomattox hereby understands that the Virginia Department of Conservation and Recreation will serve as fiscal agent for this project.

Certification

I hereby certify that the foregoing resolution was duly considered by the Board of Supervisors of the County of Appomattox, Virginia at a regular board meeting in Appomattox, Virginia, at which a quorum was present and that same was passed by a vote of five in favor and none opposed, this 17<sup>th</sup> day of February, 2004.

Samuel E. Carter  
Chairman

Attest:

John K. Spencer  
Interim County Administrator

**TOWN OF PAMPLIN**  
PO BOX 1338  
PAMPLIN, VA 23958  
434-248-6514

February 18, 2004

Senator Frank Ruff  
Virginia Senate  
PO Box 332  
Clarksville, VA 23927

Dear Senator Ruff:

The purpose of this letter is to convey the Town of Pamplin's support for converting the Norfolk and Western rail line between Burkeville, Farmville and Pamplin, if abandoned, to a public trail. The recreational and long-term environmental benefits that would attend this move would add immeasurably to the betterment of the region. The Town would be pleased to participate in further study of the proposal.

The Town sent a similar letter of support for this proposal to the Surface Transportation Board on January 14, 2004. The position stated in these letters was considered and approved by the Pamplin Town Council at its meeting of January 8, 2004.

Thank you.

Very truly yours,



Robert G. Mitchell  
Mayor

Cc: Delegate Watkins Abbitt, Jr. Appomattox, VA  
Jonathan Pickett, Prince Edward County  
Administrator Staff, Farmville, VA